

At a Motion Term of the United States
District Court, Northern District of New
York, held at the United States Court
House, Syracuse, New York on the _____
day of _____, 2022

PRESENT: HONORABLE NORMAN A. MORDUE
SENIOR UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CENTRAL NEW YORK LABORERS' HEALTH AND WELFARE FUND by Janet Moro, as Fund Administrator;)	
CENTRAL NEW YORK LABORERS' PENSION FUND, by Janet M. Moro, as Fund Administrator; CENTRAL NEW YORK LABORERS' ANNUITY FUND, by Janet M. Moro, as Fund Administrator; CENTRAL NEW YORK LABORERS' TRAINING FUND, by Janet M. Moro, as Fund Administrator; NEW YORK STATE LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST, by James Melius, as Administrator; NEW YORK STATE LABORERS HEALTH & SAFETY FUND, by James Melius, as Administrator; CONSTRUCTION AND GENERAL LABORERS' LOCAL UNION NO. 633, by Gabriel M. Rosetti, III, as Business Manager; and CONSTRUCTION EMPLOYERS' ASSOCIATION OF CENTRAL NEW YORK, INC., by Earl R. Hall, as Executive Director,)	ORDER REOPENING ACTION, FIXING ATTORNEYS' FEES AND ENTERING JUDGMENT
Plaintiffs,)	
v.)	Civil Action No. 12-cv-01319 (NAM/DEP)
JWJ INDUSTRIES, INC., JWJ INDUSTRIES, INC. d/b/a SEABIRD ENVIRONMENTAL, SEABIRD ENVIRONMENTAL, and JEFFREY J. HOLBROOK, Individually and as an Officer and Owner of JWJ Industries, Inc. and JWJ Industries, Inc. d/b/a Seabird Environmental,)	
Defendants.)	

The Defendant Jeffrey J. Holbrook and Third Parties having executed a Stipulation of
Settlement Together with Indemnification and Hold Harmless Agreement executed on October
13, 2015, an Amendment to Stipulation of Settlement Together with Indemnification and Hold
Harmless Agreement executed on January 30, 2018, and a Tolling Agreement executed on

August 23, 2021, and having admitted to the jurisdiction of this Court over the subject matter of this action and having agreed to a reopening of this proceeding and entry of a final judgment in favor of Plaintiffs and against Defendant Jeffrey Holbrook upon Defendants' failure to comply with the terms of the Stipulation of Settlement Together with Indemnification and Hold Harmless Agreement, Amendment to Stipulation of Settlement Together with Indemnification and Hold Harmless Agreement, and Stipulation and Order of Discontinuance with Right to Reopen [Docket No. 51],

NOW, upon reading the Affidavit of Jennifer A. Clark, Esq., sworn to the 27th day of September, 2022, and the Affidavit of Renee Sager, sworn to the 16th day of September, 2022, setting forth in detail Defendants' obligation to Plaintiffs, calculation of the delinquency, and Defendants' failure to comply with the terms of a Stipulation of Settlement Together with Indemnification and Hold Harmless Agreement, executed on October 13, 2015, and Amendment to Stipulation of Settlement Together with Indemnification and Hold Harmless Agreement executed on January 30, 2018; and

It appearing to the Court that Defendant Jeffrey J. Holbrook has breached the terms of the Stipulation of Settlement Together with Indemnification and Hold Harmless Agreement, executed on October 13, 2015 and Amendment to Stipulation of Settlement Together with Indemnification and Hold Harmless Agreement executed on January 30, 2018; it is

ORDERED, that the motion be and the same hereby is granted in all respects and the action is reopened; and it is further

ORDERED, that Plaintiff is awarded \$46,035.65 in attorneys' fees and costs for the period October 10, 2013 through September 13, 2022; and it is further

ORDERED, that judgment is entered in favor of Plaintiff and against Defendant Jeffrey J. Holbrook in the amount of \$2,860,611.49, representing \$1,175,099.11 in principal, \$1,639,476.73 in interest from October 22, 2013 through September 15, 2022, and \$46,035.65 in attorneys' fees and costs; and it is further

ORDERED, that the \$2,860,611.49 judgment entered herein in favor of the Plaintiff and against Defendant Jeffrey J. Holbrook shall bear interest thereon at the rate provided for by 28 U.S.C. Section 1961(a) from September 15, 2022, and that Plaintiffs have execution therefore.

IT IS SO ORDERED:

Entered:

Dated: October 31, 2022



Honorable Norman A. Mordue
Senior United States District Judge